ALLOWANCE

This Notice Of Allowance is in response to Applicant's amendments filed March 25, 2009 and October 5, 2009. Applicant's October amendment amended claims 1, 5, 6, 9, 13, 14, 17 and 18-22. Claims 1-2, 5-10, 13-15, 17-22 are currently pending and allowed below.

Response to Amendment

The Objection to the Title in the previous office action is withdrawn in response to Applicant's amendment to the Title.

The 35 U.S.C. 112(2) rejection of claims 5, 6, 13, 20 and 21 is withdrawn in response to Applicant's amendments to the claims.

The 35 U.S.C. 101 rejection of claims 1, 2, 5-10, 13-15 and 17-22 is withdrawn in response to Applicant's amendments to the claims.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance.

The closest prior art Aman et al, U.S. Patent No. 5,603,029; Bernardin et al., U.S. Patent No. 7,093,004 fail to teach or suggest either singularly or in combination A load balancing system and method comprising: registering a business configuration definition of each business service including a schedule of a corresponding business service in a business configuration management repository; storing a service level objective of each business service in a service-level-objective table of said storage by a service-level-objective unit of said system; storing information on performance of each of said plurality of information processing modules in a performance management table of said storage by said configuration unit; receiving a designation of a business service and reading the schedule of a designated business service from the business configuration definition registered with the business configuration management repository by a reservation unit of said system; acquiring from said service-level-objective unit the stored service level objective of the designated business service by said reservation unit; partitioning the schedule of the designated business service read from the business configuration definition into a plurality of partial schedules according to the acquired service level objective by said reservation unit; registering performance information for the plurality of information processing modules in a performance management table of said storage, respectively; registering in advance judgment information indicating contents of the start process and finish process of the plurality of

partial schedules of each business service in the business configuration management repository; comparing the judgment information of an already-reserved business service with the judgment information of the designated business service, and thereby selecting one or more information processing modules of said plurality of information processing modules whose performance information stored in the performance management table satisfies the service level objective in each partial schedule, reserving the information processing modules selected satisfying the service level objective in the partial schedules as information processing modules for executing the designated business service in the schedule in said storage, and omitting a step in a start process or finish process of the designated business service that coincides with a step of a business service that has already been reserved with the information processing module; and executing the designated business service with the plurality of information processing modules reserved in the receiving step as recited in independent claims 1, 9 and 17.

Further applicant's arguments, see Last Paragraph, Page 11; Paragraph 2, Page 13; Paragraph 1, Page 14, filed March 25, 2009 with respect to the independent claims have been fully considered and are persuasive.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT L. JARRETT whose telephone number is (571)272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott L Jarrett/
Primary Examiner, Art Unit 3624